

**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**SUBDIVISION REVIEW BOARD**

*Promoting the wise use of land  
Helping build great communities*

MEETING DATE September 8, 2014	CONTACT/PHONE Jo Manson (805) 781-4660 jmanson@co.slo.ca.us	APPLICANT Clayton A. Poteete/ Off the Grid LLC	FILE NO. COAL 13-0040 SUB2012-00049
<p><b>SUBJECT</b> Hearing to consider a request by <b>CLAYTON A POTEETE / OFF THE GRID LLC</b> for a Lot Line Adjustment (COAL 13-0040) to adjust the lot lines between two parcels of approximately 142.1 and 161.3 acres each. The adjustment will result in two parcels of approximately 140.4 and 163.0 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Agriculture land use category and is located at 1991 and 2220 Noel Way, approximately 1.5 mile northeast of the intersection of Noel Way and Van Gordon Creek Road, northeast of the village of San Simeon. The site is in the North Coast planning area.</p>			
<p><b>RECOMMENDED ACTION</b> Approve Lot Line Adjustment COAL 13-0040 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.</p>			
<p><b>ENVIRONMENTAL DETERMINATION</b> A General Rule Exemption (ED14-016) was issued on July 16, 2014.</p>			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Geologic Study Area, Sensitive Riparian Vegetation, Local Coastal Plan	ASSESSOR PARCEL NUMBER 011-291-027, 013-021- 012 and 013-021-011	SUPERVISOR DISTRICT(S): 2
<p><b>PLANNING AREA STANDARDS:</b> None applicable.</p>			
<p><b>LAND USE ORDINANCE STANDARDS:</b> 23.04.024 - Subdivision Design standards for the Agriculture land use category, 23.07.080 Geologic Study Area, 23.07.174 Streams and Riparian Vegetation</p>			
<p><b>EXISTING USES:</b> Single-family residences (2), barn, landing strip, generator building, orchards</p>			
<p><b>SURROUNDING LAND USE CATEGORIES AND USES:</b> North: Agriculture / grazing, undeveloped East: Agriculture / single family residence, grazing, undeveloped South: Agriculture / single family residence, grazing, undeveloped West: Agriculture / single family residence, grazing, undeveloped</p>			
<p><b>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</b> The project was referred to: Public Works, Environmental Health, Ag Commissioner, San Simeon CSD, Coastal Commission and the North Coast Advisory Council</p>			
<p><b>TOPOGRAPHY:</b> Level to steeply sloping</p>		<p><b>VEGETATION:</b> orchards, grasses, ornamentals, oak trees</p>	
<p><b>PROPOSED SERVICES:</b> Water supply: Individual well system Sewage Disposal: Individual septic system Fire Protection: CAL FIRE</p>		<p><b>ACCEPTANCE DATE:</b> May 1, 2014</p>	
<p>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</p>			

**ORDINANCE COMPLIANCE:**

The applicant is proposing to adjust the lot lines between two legal parcels as follows:

EXISTING LOT SIZES (ACRES)	ADJUSTED PARCEL SIZES (ACRES)
142.1 acres	140.4 acres
161.3 acres	163.0 acres

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

**Background**

Existing Parcel 1 is a legal parcel and consists of APNs: 011-291-027 and 013-021-012. It is Parcel 1 of Lot Line Adjustment COAL 94-0126. Existing Parcel 1 is developed with a single family dwelling, barn, generator building, and landing strip. Existing Parcel 1 also has approximately 25 acres in irrigated avocado and lemon orchards. Proposed Parcel 1 will retain the 25 acre agricultural use with the proposed adjustment.

Most of existing Parcel 1 is in a Williamson Act land conservation contract (APN: 011-201-027). A small sliver of land within existing Parcel 1 (APN: 013-021-012) is not under contract. Existing Parcel 2 (APN: 013-021-011) is not under a land conservation contract and the agricultural use is limited to cattle grazing and is developed with a single family dwelling.

The minimum parcel size as required in Section 23.04.024 for the Agriculture land use category is based on Subsections B (Size based upon existing use) or C (Size based upon land capability). If the parcel is under an agricultural preserve and land conservation contract, Subsection D applies. The required minimum parcel size for proposed Parcel 1 is 320 acres, based on the contract's minimum parcel size provision. The minimum parcel size for proposed Parcel 2 is also 320 acres based upon Subsection C, land capability, with Class VII non-irrigated soils. Neither of the proposed parcel sizes meets the minimum parcel size of 320 acres.

The adjustment will result in the reconfiguration of a large portion of the shared property line to reflect the existing uses on the site and allow for an exchange of land which will maintain a position which is "better than or equal to" the existing situation relative to the county's zoning and building ordinances. There is a road which provides access for existing Parcel 1. A portion of the access road is presently located on existing Parcel 1 and a portion is located on existing Parcel 2. The proposed adjustment allows for that existing access road to be entirely located on proposed Parcel 1. Parcel 2 has an existing access road that will not be affected by this adjustment. The proposed lot line adjustment does not create more development potential than what exists today.

SB 497

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. Because both parcel sizes are above the minimum parcel size as set through the General Plan and both of the two adjusted parcels will remain so after the adjustment, staff has concluded that the proposed adjustment is equal to the existing lot line situation and is also consistent with both state and local law.

**STAFF COMMENTS:**

**Williamson Act**

Government Code Section 51257 (Williamson Act) sets forth criteria allowing for (but limiting) the exchange of land through lot line adjustment on contracted land. The criteria (and intent) limit the amount and quality of land that can be exchanged between non-contracted and contracted land to ensure that like amounts and equal quality of soils are exchanged to protect agricultural resources.

Although this application involves a lot line adjustment as the means of conveying land to Mr. Poteete, it is actually an addition of land and does not involve any exchange of contracted land to another land owner. Since the legal description will change for the new parcel it is necessary to also amend the agricultural preserve and contract. However, because land is being added to the existing contract and none is being removed from contract, the intent of the Williamson Act and the Rules of Procedure will be met.

The legal description for the contract is the same as the legal description for APN: 011-291-027. Although most of the Poteete property is currently under a land conservation contract (APN: 011-291-027), a small sliver of land within existing Parcel 1 (APN: 013-021-012) was added to the Poteete property as a result of an earlier lot line adjustment (COAL 94-0126) but was never added to the contract. This sliver of land will be added to the contract at this time.

San Simeon Agricultural Preserve No. 9, established by Board of Supervisor's Resolution No. 92-69, enabled the landowner to enter into a land conservation contract recorded on 2/26/92 as Document No. 12273, Volume 3836, Pages 926-942 of Official Records. A minimum parcel size of 320 acres is noted in the contract; however, the parcel size of the contracted parcel is below the contract minimum parcel size. When the property entered into the land conservation contract only 100 acres was required for grazing land parcels, however the minimum parcel size for conveyance for grazing land was higher at 320 acres. Currently the minimum acreage to qualify is the same as the minimum to convey, at 320 acres. The Rules of Procedure do not require contracted property to meet this new standard with minor lot line adjustments.

The existing parcel and the proposed parcel are consistent with the provisions of the older existing contract. Proposed Parcel 1 (163.0 acres) would remain below the contract minimum parcel size of 320 acres after the adjustment; however this is common with older contracts approved under different rules as explained above. The parcel under contract would increase in size by 1.7 acres as a result of the proposed adjustment. The proposed parcel will be considered compliant when the contract is amended.

Because the boundaries of the agricultural preserve need to be altered and a new land conservation contract must be entered into to reflect the proposed lot line adjustment, the property owner has submitted an application, AGP2013-00005, to alter the boundaries of the agricultural preserve. On July 14, 2014 the Agricultural Preserve Review Committee (Review Committee) reviewed the proposed agricultural preserve boundary revisions. The Review Committee is recommending that the Board of Supervisors approve the amendment to the agricultural preserve and the contract amendment at a future date yet to be determined.

Comments received from the Agriculture Department state that they consider "...the proposal to be equal to the existing parcel configuration in terms of agricultural resources. This determination is based on a comparison of the proposed and existing parcels when considering potential long-term impacts to agricultural resources and operations."

**COASTAL PLAN POLICIES:**

Shoreline Access: ☒ N/A Policy No(s):  
Recreation and Visitor Serving: ☒ N/A Policy No(s):  
Energy and Industrial Development: ☒ N/A Policy No(s):  
Commercial Fishing, Recreational Boating and Port Facilities: ☒ N/A Policy No(s):  
Environmentally Sensitive Habitats: ☐ N/A Policy No(s): 20, 33  
Agriculture: ☐ N/A Policy No(s): 1  
Public Works: ☒ N/A Policy No(s):  
Coastal Watersheds: ☒ N/A Policy No(s):  
Visual and Scenic Resources: ☒ N/A Policy No(s):  
Hazards: ☒ N/A Policy No(s):  
Archeology: ☒ N/A Policy No(s):  
Air Quality: ☒ N/A Policy No(s):

***Does the project meet applicable Coastal Plan Policies:*** Yes, as conditioned

**COASTAL PLAN POLICY DISCUSSION:**

**Environmentally Sensitive Habitats**

Policy 20: Coastal Streams and Riparian Vegetation. Coastal streams and adjoining riparian vegetation are environmentally sensitive habitat areas and the natural hydrological system and ecological function of coastal streams shall be protected and preserved.

*Staff Comments - The proposed project is within an area designated as having sensitive riparian vegetation. The proposed project does not include any new development. The proposed project will not disrupt any onsite resources and as such complies with this standard.*

Policy 33: Agriculture and Open Space Preserves. The county should encourage the uses of Agriculture Preserves or Open Space Preserves to protect sensitive habitat areas where public acquisition is not feasible.

*Staff Comments - The proposed project includes a parcel currently under a Williamson Act agricultural preserve contract (existing Parcel 1). The boundaries of the agricultural preserve need to be altered and a new land conservation contract must be entered by the property owner to reflect the proposed lot line adjustment. The property owner has submitted an application, AGP2013-00005, to amend the existing agricultural preserve to reflect the proposed lot line*

*adjustment. On July 14, 2014 the Agricultural Preserve Review Committee (Committee) reviewed the proposed agricultural preserve boundary revisions and is recommending that the Board of Supervisors approve the contract amendment. The proposed project complies with this standard.*

#### Agriculture

Policy 1: Maintaining Agricultural Lands. Prime agricultural land shall be maintained, in or available for, agricultural production unless: 1) agricultural use is already severely limited by conflicts with urban uses; or 2) adequate public services are available to serve the expanded urban uses, and the conversion would preserve prime agricultural land or would complete a logical and viable neighborhood, thus contributing to the establishment of a stable urban/rural boundary; and 3) development on converted agricultural land will not diminish the productivity of adjacent prime agricultural land.

Other lands (non-prime) suitable for agriculture shall be maintained in or available for agricultural production unless: 1) continued or renewed agricultural use is not feasible; or 2) conversion would preserve prime agricultural land or concentrate urban development within or contiguous to existing urban areas which have adequate public services to serve additional development; and 3) the permitted conversion will not adversely affect surrounding agricultural uses.

*Staff Comments. The proposed project is located on non-prime agricultural lands. The proposed project does not include any new development and maintains the existing avocado and lemon orchards on existing and proposed Parcel 1. The proposed project will not disrupt any onsite resources and as such complies with this standard.*

#### AGENCY REVIEW:

Public Works – Recommends approval.

Ag Commissioner – Considers the proposal to be equal to the existing parcel configuration in terms of agricultural resources.

North Coast Advisory Council – The Council reviewed the project at the August 21, 2013 meeting and recommends approval.

#### LEGAL LOT STATUS:

One of the two existing parcels was legally created by the recordation of a certificate of compliance for Lot Line Adjustment COAL94-126, Parcel #1 (Document No. 1997-021115) at a time when that was a legal method of creating parcels.

One of the two existing parcels was legally created by the recordation of a certificate of compliance for Lot Line Adjustment COAL94-126, Parcel #2 (Document No. 1997-021116) at a time when that was a legal method of creating parcels.

#### ATTACHMENTS

Attachment 1 – Findings

Attachment 2 – Conditions of Approval

Attachment 3 – Project Graphics

Attachment 4 – Project Referral Responses

Staff report prepared by Jo Manson and reviewed by Bill Robeson, Supervising Planner.